

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**UNIVERSITAS EDUCATION, LLC,
Petitioner/Judgment Creditor,**

V.

Civil Action No.: 14-FJ-05-HE

**AVON CAPITAL, LLC,
Respondent/Judgment Debtor,**

**ASSET SERVICING GROUP, LLC,
Respondent/Garnishee,**

**SDM HOLDINGS, LLC,
Respondent/Garnishee,**

And

**AVON CAPITAL, LLC, a Wyoming
Limited liability company,
Intervenor.**

**GARNISHEE SDM HOLDINGS, LLC'S NOTICE OF FILING
ANSWER AND SUPPLEMENTAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, SDM Holdings, LLC (SDM” or “Garnishee”), complaining of Plaintiff and Garnishor Universitas Education, LLC (“Universitas” or “Plaintiff”), and files this Notice of Filing Answer and Supplemental Answer as ordered by the Court. [Dkt 230], subject to SDM’s concurrently filed Motion for Relief from Judgment or Order and Motion to Amend a Judgment (“SDM’s Motion”)¹ and SDM’s prior motion for summary judgment denied by the Court. SDM would respectfully show as follows:

¹ The February 26, 2021 Order [Dkt 230] requires SDM to file an answer to the December 3, 2015 Writ of Garnishment [Dkt 13] within thirty days, or by March 28, 2021.

**GARNISHEE SDM HOLDINGS, LLC'S NOTICE OF FILING
ANSWER AND SUPPLEMENTAL ANSWER**

1. On February 28, 2020, SDM filed its Motion for Summary Judgment [Dkt 192] and attached SDM's "Non-Continuing and General Garnishee's Answer/Affidavit" ["SDM's Answer") as an exhibit. [Dkt 192-1]

2. Without waiving SDM's requested relief in SDM's Motion and without waiving SDM's rights to appeal the Court's rulings in this case, SDM is re-filing SDM's Answer/Affidavit and also the Supplemental Answer as an attachment to this Notice to demonstrate SDM's compliance with the Court's February 26, 2021 Order.

3. SDM's answer to the Writ of General Execution is that SDM is not a judgment debtor regarding the registered judgment [Dkt 1] and thus SDM's assets are not assets of a judgment debtor and are not subject to seizure pursuant to the Writ of General Execution. [Dkt 10] Rule 69 does not give to judgment creditor any right to subject to judgment property of persons other than judgment debtor nor to require disclosure of assets of persons other than judgment debtor. *Burak v. Scott*, 29 F. Supp. 775, 1939 U.S. Dist. LEXIS 2139 (D.D.C. 1939); *see* FED. R. Civ. P. 69.

RELIEF REQUESTED

WHEREFORE, PREMISES CONSIDERED, SDM Holdings, LLC prays that SDM have judgment that Plaintiff take nothing by its claims, and SDM have judgment against the Plaintiff for attorneys' fees, pre-judgment and post-judgment interest, cost of suit; and such other and further relief, at law and in equity, which SDM may be entitled.

Respectfully submitted,

s/ Jeffrey R. Sandberg

Jeffrey R. Sandberg, Texas Bar No. 00790051

Palmer Lehman Sandberg, PLLC

8350 North Central Expressway, Suite 1111

Dallas, TX 75206

Telephone: (214) 242-6444

Facsimile: (214) 265-1950

E-mail: jsandberg@pamlaw.com

(ADMITTED PRO HAC VICE)

Attorneys for Garnishee

SDM Holdings, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March, 2020, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Alan Rupe
Gerald Green
Melvin McVay
Clayton Ketter
Joshua Greenhaw

s/ Jeffrey R. Sandberg